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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,461	11/20/2003	Francois Kubica	245494US41X DIV	6844
22850	7590	12/02/2004	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			BEHNCKE, CHRISTINE M	
		ART UNIT	PAPER NUMBER	
		3661		

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/716,461	KUBICA, FRANCOIS
	Examiner	Art Unit
	Christine M. Behncke	3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 20 November 2003.

2a) This action is FINAL.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-16 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-4,6-14 and 16 is/are rejected.

7) Claim(s) 5 and 15 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 20 November 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \*    c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. 09/863894.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Oath/Declaration***

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not identify the mailing address of each inventor. A mailing address is an address at which an inventor customarily receives his or her mail and may be either a home or business address. The mailing address should include the ZIP Code designation. The mailing address may be provided in an application data sheet or a supplemental oath or declaration. See 37 CFR 1.63(c) and 37 CFR 1.76.

### ***Specification***

The disclosure is objected to because of the following informalities:

The Cross-Reference to Related Applications, lines 6-7: "application of published U.S. application No. 09/863,894" should be changed to reflect the current status, granted patent, of the parent application.

Page 6, line 11 of the Specification incorrect element reference: "via the links 16" should be changed to --via the links 18--.

Appropriate correction is required.

### ***Drawings***

Figures 1 and 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid

abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6-14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pages U.S. Patent No. 5,774,818 in view of Trikha U.S. Patent No. 6,003,811.

Regarding Claims 1, 2 and 13, Pages discloses a method comprising: receiving guidance instructions and guidance parameters at a navigation computer (Column 5, lines 36-39, element 15 Figure 4); transmitting automatic pilot instructions directly from said navigation computer to a flight control computer (Column 5, lines 43-52, Figure 4); receiving control instructions and said automatic pilot instructions at said flight control computer (Column 5, lines 43-52, Figure 4).

However, Pages does not explicitly disclose a first plurality of operating commands being generated at the flight control computer nor, in manual pilot mode, the step of generating a second plurality of operating commands.

Trikha discloses in of prior art that in an automatic pilot mode, generating a first plurality of operating commands based on said automatic pilot instructions at said flight control computer and, in manual pilot mode, generating a second plurality of operating commands based on the control instructions at the flight control computer (Column 3, lines 17-25).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of Pages and the teachings of Trikha to illustrate the principle components of a fly-by-wire aircraft primary flight control system which includes that the flight control computer generates the operating commands based on the automatic pilot instructions or the manual instructions of the pilot.

Regarding Claims 4 and 14, Pages in view of Trikha describes the method previously discussed but fails to disclose the generation of the first and second commands. However, Trikha discloses wherein the first and second pluralities of operating commands are based on a single control function (Column 3, lines 17-25).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method taught by Pages and the system of Trikha to illustrate the principle components of a fly-by-wire aircraft primary flight control system which

includes that the flight control computer generates the operating commands based on the automatic pilot instructions or the manual instructions of the pilot.

Regarding Claims 6 and 16, Pages in view of Trikha describes the method previously discussed but fails to disclose a single control function. However, Trikha discloses the single control function is embedded in said flight control computer (primary flight computer 26).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method taught by Pages and the system of Trikha to illustrate the principle components of a fly-by-wire aircraft primary flight control system which includes that the flight control computer generates the operating commands based on the automatic pilot instructions or the manual instructions of the pilot.

Regarding Claim 3, Pages in view of Trikha disclose the method previously discussed, Pages further discloses the method discussed previously comprising the step of receiving control parameters at the flight control computer (Figure 4).

Regarding Claim 7, Pages in view of Trikha disclose the method previously discussed, Pages further discloses the method previously described comprising the step of generating the automatic pilot instructions at the navigation computer based on the guidance instructions and on the guidance parameters (Column 5, lines 7-11).

Regarding Claim 8, Pages in view of Trikha disclose the method previously discussed, Pages further discloses that the automatic pilot instructions correspond in nature to the control instructions (Column 5, lines 12-17).

Regarding Claim 12, Pages in view of Trikha disclose the method previously discussed, Pages further discloses wherein the step of transmitting said automatic pilot instructions from the navigation computer to the flight control computer is performed so that the flight control computer receives the automatic pilot instructions directly from the navigation computer without an intermediate step (Figure 4).

#### ***Allowable Subject Matter***

Claims 5 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christine M. Behncke whose telephone number is (703) 305-0589. The examiner can normally be reached on Monday - Friday 8:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black can be reached on (703) 305-8233. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

11/17/04



THOMAS G. BLACK  
SUPERVISORY PATENT EXAMINER  
GROUP 3661